

TAXI COMMISSION MEETING
Minutes of the November 15, 2010 meeting

I. CALL TO ORDER

Chair Frank Daggett called the meeting to order at 9:03 a.m.

II. ATTENDANCE

Present: Members: Chair Frank Daggett; Commissioners Peter Bresciano, James Feehley, and Paul Ford, Councilor Robert Lister, Captain Michael Schwartz, City Attorney Robert Sullivan, Deputy City Clerk Dianne M. Kirby and Legal Department Intern Jim Noucas

Absent: Commissioners Joel Look (excused)

III. ACCEPTANCE OF MINUTES FROM OCTOBER 18, 2010

Commissioner Ford moved to approve and accept the minutes of the October 18, 2010, Taxi Commission meeting. Seconded by Commissioner Bresciano and voted.

IV. NEW BUSINESS

1. 2011 Schedule of Taxi Commission Meetings

Chair Daggett stated every year at this time the Commission is required to approve the schedule for the next year's meetings. He stated this calendar is set as usual with January and February being moved to the 3rd Tuesday due to a holiday on the 3rd Monday and all other meeting set for the 3rd Monday of the month. He asked if there were any problems with the schedule and if not requested a motion be made.

Commissioner Bresciano moved to approve the 2011 Schedule of Taxi Commission Meetings. Seconded by Councilor Lister and voted.

V. OLD BUSINESS

1. Revised Ordinance

Chair Daggett stated he was under the impression that both the annual inspection and the reissue of medallions were all to be changed to the month of April, but that is not what he is reading in the ordinance.

City Attorney Sullivan said he wanted to accomplish whatever the Commission wants to accomplish. He said he doesn't know if with inspecting the cabs it would work out to

change the dates or not. Chair Daggett said it would. He said at a past meeting with the police inspector in attendance it was suggested by him that at the inspection time the police could pass out the new medallions to the cabs that were all ready to go. He said the only way to do that is to do it all on April 1st. Commissioner Bresciano said April 1st may not always work. He said it may fall on a Sunday or they may not be able to get the lift at Public Works. Chair Daggett said it doesn't have to be the exact date. Commissioner Bresciano said yes, but if you put in the Ordinance something like it has to be issued on April 1st, it means that the City Clerk has to get everyone in here and have the medallions issued on April 1st. Chair Daggett said they do the same in June now. Commissioner Bresciano stated an inspection is not held on that day. Chair Daggett said the annual inspection is held when they issue the medallions. Commissioner Bresciano said he is not going to support having the medallions handed out the day of the inspection. Deputy City Clerk Kirby said the only way this would work is if they have their medallions on by the 1st of May. She said this way they have the inspection in April, the Police issue the new medallion after the inspection and the companies would run under the old medallion through April and they would have their new medallions to put on by 12:01 a.m. on the 1st of May. Commissioner Bresciano asked Attorney Sullivan if that would change the proposed ordinance. City Attorney Sullivan stated it would. Captain Schwartz said what he was asking for was to have the same system that we had in June, but change the month to March or April. Councilor Lister asked if he wanted only the inspections moved to March or April. Captain Schwartz stated March or April is a better month for the Police Department and Public Works. Commissioner Bresciano stated he would not support the Police Department issuing the medallions and doing the inspections. City Attorney Sullivan asked, if he was a taxi owner and he wanted to put a taxi on the road, the new ordinance says he would have to have a medallion on April 1st and it would need to be inspected before he puts it on the road. So how would that work? Is it as simple as he would have to wait until March? Commissioner Bresciano said we could have the inspections done and if it runs into April the taxi companies are issued their medallions and at the time of inspection, if it were say April 9th, the Police Department can say let me see your valid medallion and their medallion would have to be stamped April 1, 2010 or whatever year, and if it is not they pull the car off the road. Chair Daggett said it can be but, Deputy City Clerk Kirby's idea is very good, do everything in April. Commissioner Bresciano said that would mean changing the ordinance again and he would just as soon leave it the way it is. Commissioner Ford said it doesn't really matter, all we have to do is set it up and the companies will adhere to it. Stephen Gerrato, Rockingham Livery said he felt the inspection should be for the whole week to allow the owners to get the repairs completed. Commissioner Bresciano said a week is not necessary because if a defect is such as your medallion is going to be pulled, you will have however long you need to fix it. Chair Daggett said April 1st is the target date for the inspections, but it is not necessarily going to be done on April 1st. He said we have the whole month of April to complete the yearly inspections. Deputy City Clerk Kirby stated the practice in the past has been that the Taxi Companies get their new medallions one week prior to the first and they must have them on their taxi at 12:01 a.m. on the first. Commissioner Bresciano said he doesn't see any problem with that. He said on April 1st everyone would have a new medallion and the vehicle will be inspected as soon as possible after

the 1st of April. Commissioner Ford said there are two separate issues here. He said right now during the month of June the taxi companies have to bring their vehicles into the City yard where a city worker essentially inspects the vehicle and signs off on the vehicle. He said that is still going to happen in March and we are going to get our new medallions. He said the Police inspection is a separate issue. City Attorney Sullivan said the way the ordinance is written this happens in April not March. Commissioner Ford said the inspection done in March is by the City yard workers. Legal Department Intern Noucas said section 2:10 says that vehicles shall be inspected in the month of April. City Attorney Sullivan said maybe the answer is to make that the month of March. Deputy City Clerk Kirby said there is an inspection sheet required by the City that goes with their renewals that is signed by the City yard. She said that is not a full inspection. She said it is basically checking their meter, lettering, dome, etc. She said it is not a safety inspection so much as an inspection ensuring the vehicle is equipped with all required lettering and metering etc. Councilor Lister asked if they got that inspection before they get their medallion. Deputy City Clerk Kirby stated this is correct. She said then once a year they have the City Police inspection where they have a safety and mechanical inspection for brakes etc. Councilor Lister asked when that happens. Deputy City Clerk Kirby said that is what we are trying to change to April. She said so long as they get their City yard inspection they can get their medallions and then the next month they can get their yearly inspection. Councilor Lister asked if this was an issue with anyone. Commissioner Ford stated its fine. Chair Daggett said we are changing the medallion issue date from July 1st to April 1st. City Attorney Sullivan requested if this would make the Police inspection in the month of March. Captain Schwartz said the Police inspection is in April with the medallions issued in March. Deputy City Clerk Kirby stated the City year is whenever they put a new medallion or transfer a vehicle. City Attorney Sullivan said if he had a cab and he is working off the prior year's April inspection and he gets his new medallion on April 1st under this prior year April Police inspection, he would then have to get a new police inspection by the end of April for the next year. Captain Schwartz stated this was correct.

Commissioner Bresciano stated in the Ordinance we still have the (added and date). Since this is a completely new ordinance shouldn't this be deleted? City Attorney Sullivan stated it should and it will be deleted.

Commissioner Bresciano moved to accept the ordinance as amended and have Councilor Lister place it under his name at the next City Council meeting. Seconded by Commissioner Feehley and voted.

Commissioner Bresciano thanked the Legal Department for the great work they did on this ordinance.

2. Police Liaison Report (not on the Agenda)

Captain Schultz stated at the last meeting he said he would look into setting up a Computer Aided Dispatch (CAD) report with Police Dispatch to monitor taxi issues. He stated that this has been completed and that he can now print out a list that will track all taxi issues. City Attorney Sullivan stated it would be very helpful if a copy of this report could be added to the agenda every meeting. Commissioner Bresciano asked if the Police have been notified of this report. He feels it would be excellent to have this information each month. Captain Schwartz said this report would mainly deal with cab to cab problems. He said there is already a CAD for a person running out on a fare as that would be a theft case and any accident involving a taxi would fall under accidents. He asked how the Commission would like these read as they are company X is doing so and so. He said although he feels it would be good that everyone is hearing who is complaining he doesn't want to escalate problems between the taxi companies.

Commissioner Bresciano said if it was reported to the Police Department, the Commission needs to know about it. Chair Daggett stated he agreed with Commissioner Bresciano. Commissioner Ford recommended the police liaison bring the log as a routine item on the agenda. He said it is what it is and if actionable we have the report.

Commissioner Bresciano moved to add a report by the Taxi Commission Police Liaison to the monthly Taxi Commission agenda. Seconded by Councilor Lister.

Stephen Gerrato, Rockingham Livery asked if they were going to hear this report today. Captain Schwartz stated we can. Stephen Gerrato, Rockingham Livery asked if there would be the ability to rebut any allegations. Commissioner Ford stated Police logs are public record. City Attorney Sullivan stated they are not entirely public.

Commissioner Bresciano made a suggestion that when Deputy City Clerk Kirby sends the packet to the Commission, a copy of the Police log be attached. Captain Schwartz stated he cannot print this out prior to the meeting because it would not be timely. Commissioner Bresciano asked if Captain Schwartz can get this to the Clerk prior to the meeting so the Commission can have a copy to look over prior to the meeting so if a Commissioner sees something he feels should be brought up he can do so. Councilor Lister said he would rather leave it up to Captain Schwartz. City Attorney Sullivan said it should be put on as a report by the Police Representative to the Commission. He further stated the Police Officer knows what can be reported and what can not. Councilor Lister said we should leave it up to the police discretion as to what is reported.

Motion passed.

Captain Schwartz briefed the Commission on the Police log items.

Commissioner Bresciano moved to accept the report by Captain Schwartz and place it on file. Seconded by Councilor Lister and voted.

V. ADJOURNMENT

At 9:38 a.m. Commissioner Feehley moved to adjourn. Seconded by Commissioner Bresciano and voted.

Respectfully submitted by:

Dianne M. Kirby, Deputy City Clerk